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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/194,773 03/31/99 GRASER

T 10191/899

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IM62/0505

EXAMINER

FIORILLA, C

ART UNIT

PAPER NUMBER

1731

DATE MAILED:

05/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/194,773

Applicant(s)

Graser et al.

Examiner

Christopher A. Fiorilla

Group Art Unit

1731



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 13-24 _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 13-24 _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

1. Claims 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is indefinite in that the second step recites "blunting edges of the sensing element before sintering" while the first step recites "sintering to yield the sensing element". Thus, no sensing element exists before sintering so the edges of the sensing element cannot be blunted before sintering.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 13,14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurishita et al. 5,144,249 in view of Nenadic et al. 5,871,313.

Kurishita et al. teaches a sintered ceramic sensing element for determining oxygen content in exhaust gases of an internal combustion engine having chamfered edges having a flat surface (see figure 1(c)). Kurishita et al. also discloses that the solid electrolyte body of sensors may be formed from materials such as doped zirconium oxide.

Nenadic et al. discloses that the most cost effective method of producing chamfered substrates is to chamfer the parts in a "green" or unfired state. See col. 1, lines 65-67. It would have been obvious to one having ordinary skill in the art at the time of the invention to chamfer

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the sensing element of Kurishita et al. in the green state in view of the teaching of Nenadic et al.

4. Claims 15-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Fiorilla, whose telephone number is (703) 308-0674. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached at (703) 308-3837.

Official after final faxes should be sent to (703) 305-3599. All other official faxes should be sent to (703) 305-7718. Unofficial faxes should be sent to (703) 305-7115.

Any inquiry of a general nature or relating to the status of the application should be directed to the group receptionist whose telephone number is (703) 308-0651.



Christopher A. Fiorilla
Primary Examiner
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Art Unit 1731